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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,062	09/26/2000	Bradley J. Wessman	20000389.ORI	5103

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EXAMINER

OROPEZA, FRANCES P

ART UNIT

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3762

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23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/670,062	Applicant(s) WESSMAN, BRADLEY J.	
	Examiner Frances P. Oropeza	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/10/03 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>22</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1-17 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Winkler (US 5417208). Winkler discloses an electrode-carrying catheter with a conductor (45), a conductive pad/ elongate conductive element (51) and a ring electrode (53) (figure 2, figures 4A-4D and figure 6). The ring electrode (53) has projections extending from the inner wall of the lumen (figures 6 and 7). The conductor and copper conductive pad have a welded connection (col. 6 @ 51-59).

As to claims 1 and 30 and a conductive pad within a welding region and a band welded to the conductive pad to electrically connect the band to the conductor / proximal end of the conductor, Winkler teaches a copper ribbon conductive pad (51) joined by welding within a welding region (figures 4A-4D; figure 6; col. 3 @ 20-26), and a band (53) welded (c 8, ll 8-9) to the conductive pad (51) to electrically connect the band (53) to the conductor (45) / proximal end of the conductor (one conductor is provided for each electrode with the proximal end of the conductor being connected to the electrode) (col. 5 @ 17-21; col. 2 @ 30-36).

As to claims 1 and 30 and the insulation being removed to expose a portion of the conductor, Winkler teaches the insulation is removed to form a window (47) to expose the conductor/ wire and if necessary removes the insulation from the conductor to expose the conductive wire (figures 4A-4D and 7; col. 6 @ 6-22).

As to claims 1, 9 and 30 and the band being welded to the conductive pad within the welding region, the welding region is defined by an area where the insulating material is removed to expose at least a portion of the at least one conductor, hence the welding region in

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Winkler, as view in figures 6 and 7, includes the area where the hard core layer (20), the soft layer (44) and the conductor insulation (45) is removed. As shown in figures 6 and 7, the band impacts the welding region and is secured by welding (col. 8 @ 8-9); it is inherent the sensitive interface of the supported and unsupported band would be fortified with a weld, the location of this weld being in the welding region.

As to claim 9, as shown in figures 6 and 7, the elongate element (51) has a proximal end located against the soft insulation (44) on the right side of figure 7, and has a distal end contacting the band (53) located on the left side of figure 7, hence the proximal and distal ends of the of the elongate element are electrically connected to the conductor within the welding region. In addition, the band is secured by welding (col. 8 @ 8-9); inherently the sensitive interface of the supported and unsupported band would be fortified with a weld that would attach the distal end of the elongate element to the band by a weld.

The Applicant's arguments filed 9/10/03 have been fully considered but they are not convincing.

As to claims 1-8, the Applicant asserts Winkler fails to disclose a medical lead when the insulator includes at least one welding region form by removal of the at least a portion of the insulator, the welding region formed to expose at least a portion of the at least one conductor, with the band welded to the conductive pad at the welding region. The Examiner disagrees. Winkler teaches a medical lead (10) wherein the insulator (21) includes at least one welding

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region (including window 47 – figure 4A) formed by removal of the at least a portion of the insulator, the welding region formed to expose at least a portion of the at least one conductor (45 - figure 4A) (col. 6 @ 6-10 and 51-60), with the band (53 - figure 6) welded to the conductive pad (51 - figures 4C and 6) at the welding region (col. 8 @ 8-9). Winkler teaches the instant invention, hence the rejection of record stands.

As to claims 9-17, the Applicant asserts Winkler fails to teach an elongated conductive element with a proximal end electrically connected to the conductor and a distal end welded to the band. The Examiner disagrees. The elongate element (51) has a proximal and a distal end. The proximal end (51a –figure 7) is connected to the conductor (45 – figure 7) within the welding region (including window 47 – figure 4A) hence electrically connecting the conductor and the elongate element. The distal end (51c - figure 7) is welded to the band (53 – figures 6 and 7). As previously discussed the band is secured by welding (col. 8 @ 8-9); inherently the sensitive interface of the supported and unsupported band would be fortified with a weld that would attach the distal end of the elongate element to the band by a weld. Winkler teaches the instant invention, hence the rejection of record stands.

As to claim 30-32, the Applicant asserts Winkler fails to teach a lead where the insulator includes at least one welding region defined by a groove formed in the insulator to expose at least a portion of the at least one conductor, with the band welded to the conductive pad at the welding region to electrically connect the band to the conductor. The Examiner disagrees. Winkler teaches a lead (10) where the insulator (21) includes at least one welding region (including window 47 - figure 4A) defined by a groove (47) formed in the insulator to expose at

least a portion of the at least one conductor (45 – figure 4A), with the band (53 – figure 6) welded (col. 8 @ 8-9) to the conductive pad (51 – figures 4C and 6) at the welding region to electrically connect the band to the conductor. Winkler teaches the instant invention, hence the rejection of record stands.

Statutory Basis

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fran Oropeza whose telephone number is (703) 605-4355. The Examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4520 for regular communication and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Frances P. Oropeza
Patent Examiner
Art Unit 3762

FPO
10/24/03

Angela D. Sykes

ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
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